

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C8  
Serial No: 10/006,041 Group Art Unit: 1647  
Filed: December 06, 2001 Examiner: Rachel B. Kapust  
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF AUDREY GODDARD, Ph.D. UNDER 37 CFR 1.131**

I, Audrey Goddard, Ph.D. do hereby declare and say as follows:

1. I am Senior Clinical Scientist at the Diagnostics, Development Sciences Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of

the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
10. The DNA-64883 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 129 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 129 in the above-identified application is shown on page 1 of the GSeqEdit database report and the location of the first nucleotide is marked with "insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 129 is shown on page 11 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.
13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

A. Goddard  
Audrey Goddard

6/17/04  
Date

SV 2037583 v1  
6/15/04 3:03 PM (39780.2830)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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I, Audrey Goddard, Ph.D. do hereby declare and say as follows:

1. I am Senior Clinical Scientist at the Diagnostics, Development Sciences Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent No. 6,525,174 (Young *et al.*, issue date February 25, 2003 and effective filing date June 4, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to June 4, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
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the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
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15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Audrey Goddard

22 June 2004  
Date

SV 2042357 v1  
6/18/04 1:29 PM (39780.2830)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C8  
Serial No: 10/006,041 Group Art Unit: 1647  
Filed: December 06, 2001 Examiner: Rachel B. Kapust  
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF WILLIAM WOOD, Ph.D. UNDER 37 CFR 1.131**

I, William Wood, Ph.D. do hereby declare and say as follows:

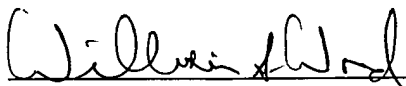
1. I am Director and Staff Scientist at the Department of Bioinformatics, of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent No. 6,525,174 (Young *et al.*, issue date February 25, 2003 and effective filing date June 4, 1998).
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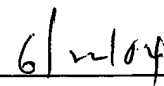
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\_\_\_\_\_  
William Wood

  
\_\_\_\_\_  
Date

SV 2042358 v1  
6/18/04 1:30 PM (39780.2830)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No: 10/006,041 Group Art Unit: 1647  
Filed: December 06, 2001 Examiner: Rachel B. Kapust  
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF WILLIAM WOOD, Ph.D. UNDER 37 CFR 1.131**

I, William Wood, Ph.D. do hereby declare and say as follows:

1. I am Director and Staff Scientist at the Department of Bioinformatics, of Genentech, Inc., South San Francisco, CA 94080.
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3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
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the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

William Wood  
William Wood

6/9/04  
Date

SV 2037583 v1  
6/9/04 1:21 PM (39780.2830)

**Exhibit A**  
**to Declarations of Audrey Goddard and William Wood under 37 CFR 1.131**  
**GSeqEdit Database Report**

```

>[REDACTED]
>DNA64883 [Full]
>510 Sites [All Sites]
>[REDACTED] DNA64883 wiw GSeqEdit
>[REDACTED] DNA64883 zemin GSeqEdit
>[REDACTED] DNA64883 goddarda GSeqEdit
>[REDACTED] DNA64883 sheldens GSeqEdit
>HBN64883.seq, sequenced at ABI/ACGT by Peter Ma and Ellison Chen
>human ortholog of implantation-associated protein - Rattus

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          nlaIII      mslI
          taqI
          xhoI
          tliI
          smlI
          paeR7I mwoI      tseI bstUI[M.hhaI-]
          tsp509I[M.ecoRI-]      fnu4HI/bsoFI
          ecoRI      avaI[M.taqI-]      bbvI bsh1236I
          apoI mwoI bseRI      nlaIII hhaI/cfoI
          1 CGGAATTCCG CTCGAGGAGC GAACATGGCA GCGCGTTGSC GGTTTTGGTG TGTCTCTGTG ACCATGGTGG TGGCGCTGCT CATCGTTTGC GACGTTCCCT
          GCCTTAAGCC GAGCTCCTCG CTTGTACCGT CGCGCAACCG CCAAACCAC ACAGAGACAC TGGTACCACC ACCGCGACGA GTAGCAAACG CTGCAAGGGA
          1
          M A A R W R F W C V S V T M V V A L L I V C D V P S
          ^insert starts here
          ^MET

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mnII
alwNI[dcn-]
alw26I/bsmAI      bsaxI      hpy188I      mspAII/nspBII      bsmAI
101 CAGCCTCTGC CCAAGAGAAAG AAGGAGATGG TGTATCTGA AAAGTTAGT CAGCTGATGG AATGGACTAA CAAAAGACCT GTAATAAGAA TGAATGGAGA
    GTCGAGACG GGTTCCTTTC TTCCTCTACC ACAATAGACT TTCCAATCA GTCGACTACC TTACCTGATT GTTTCTGGA CATTATTCTT ACTTACCTCT
27  A S A Q R K K E M V L S E K V S Q L M E W T N K R P V I R M N G D

hpy99I      tsp509I      nlaIII      tspRI      bst4CI/hpyCH4III      cac8I
201 CAAGTTCGT CGCCTTGTA AAGCCCCACC GAGAAATTAC TCGTTATCG TCATGTTTAC TGCTCTCCAA CTGCATAGAC AGTGTGTCGT TTGCAAGCAA
    GTTCAAGGCA GCGGAACACT TTCGGGGTGG CTCTTTAATG AGGCAATAGC AGTACAAGTG ACGAGAGGTT GACGTATCTG TCACACAGCA AACGTTTCGTT
60  K F R R L V K A P P R N Y S V I V M F T A L Q L H R Q C V V C K Q

btsI      ahdI/eam1105I      cac8I      hpyCH4V al

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mvaI
ecoRII[dcm-]
dsaV[dcm-]
bstNI
bssKI[dcm-]
apyI[dcm+]
sau3AI
mboI/ndeII[dam-]
dpnII[dam-]
dpnI[dam+]
alwI[dam-]
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alwNI[dcm-]
alw26I/bsmA
tsp509I[M.ecoRI-]
ecoRI pflMI[dcm-]
apoI bslI[dcm-]
mboII hpy188III
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CGACTACTTC TTAAGGTCTA GGACCGTTTG AGGACCGGCTA TGAGGTCACG TAAGTGGTTG TCCTATAAAA AACGGTACCA CCTAAACTA CTTCCGAGAC
93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

scrFI[dcm-]
pspGI
mvaI
ecoRII[dcm-]
dsaV[dcm-]
bstNI
bssKI[dcm-]
apyI[dcm+]
sau3AI
mboI/ndeII[dam-]
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ecoRI pflMI[dcm-]
apoI bslI[dcm-]
mboII hpy188III
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CGACTACTTC TTAAGGTCTA GGACCGTTTG AGGACCGGCTA TGAGGTCACG TAAGTGGTTG TCCTATAAAA AACGGTACCA CCTAAACTA CTTCCGAGAC
93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

nlalIII
styI
ncol
dsaI
btgI/bstDSI
bsaJI
hpy18

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    apoI      ecoNI
    nlaIII    aluI
hpy188I
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127 V F Q M L N M N S A P T F I N F P A K G K P K R G D T Y E L Q V R

ddeI[M.aluI-]
    bspCNI    mspI    sau3AI
    celII/espI    hpaII    mboI/ndeII[dam-]
    blpI/bpu1102I    scrFI[M.hpaII-]
    aluI      nciI      dpnII[dam-]
    pvuII     dsav      dpnI[dam+]
    mspAII/nspBII    bssKI    alwI[dam-]
501 GGGTTTTCAGCTGAGCAGATTGCCCGGTGATCGCCGACAGAACTGATGTCATATTAGAGTGATTAGA CCCCATAATTATGCTGGTCCCTTATGTTG
CCCAAAAGTCCGACTCGTCTAACGGGCCACCTAGCGGCTGTCTTGACTACTAGTTATACTTCACATACTGGGGTTTAA TACGACCAGG GGAATACAAC
160 G F S A E Q I A R W I A D R T D V N I R V I R P P N Y A G P L M L

    aluI      aluI
    sfuI      tseI
    bstBI     fnu4HI/bsoFI
    bsiCI     tsp509I    tru9I    mseI    bsrI    mwoI    hpyCH4V
    baeI      mboII    mboII    apoI
601 GGATTGCTTTTGGCTGTTATGGGTGGACTTGTGTATCTCAGAGAAGTAAATATGGAATTTCTCTTTAATAAACTGGATGCGCTTTTGCA GCTTTGTGTT
CCTAACGAAAACCGACAATAACCACCTGAAACATAGTAAGCTTCTTCTCATATACCTTAAAGAGAAATTATTTTGACCTACCCGAAACCGT CGAAACACAA
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 cac8I ahdI/eam1105I nlaIV nlaIII  
 sau96I auaII mnlI ndeI  
 bslI tflI bsmFI tsp509I bsaJI  
 nspI aflIII  
 nlaIII  
 pcII  
 nspHI  
 ncol  
 dsal  
 btgl/bs  
 nlaIII  
 styI  
 ncol  
 dsal  
 btgl/bs

801 AAGCAGTCAA GCCCAGTTTG TAGCTGAAC ACACATTGTT CTCTCTGTTA ATGGTGGAGT TACCTTAGGA ATGGTGCCTT TATGTGAAGC TGCTACCTCT  
 TTCGTCAGTT CGGGTCAAAC ATCAGCTTTG TGTGTAACAA GAAGACAAT TACCACCTCA ATGGAATCCT TACCACGAAA ATACACTTCG ACGATGGAGA  
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 bsrI aluI mboII maeII  
 tru9I mseI  
 ddeI  
 eco8II  
 bsu36I/mstII/sauI  
 bbvI  
 hpyI  
 fnu4HI/bsaFI  
 aluI mnlI  
 tseI

901 GACATGGATA TTGGAAGCG AAGATAATG TGTGTGGCTG GTATTGGACT TGTGTATTA TTCTTCAGTT GGATGCTCTC TATTTTGA TCTAAATATC  
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 sau3AI  
 mboI/ndeII[dam  
 dpnII[dam-]  
 dpnI[dam+]  
 bstYI/xhoII  
 bglII nl  
 nlaIII  
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 mboII bstF5I  
 sfaNI  
 bstYI/xhoII  
 bglII nl

bsmFI  
 sau96I  
 nlaIV  
 avall  
 tru9I ppuMI  
 aluI hpy188I mseI eco0109I/draII  
 1001 ATGGCTACCC ATACAGCTTT CTGATGAGTT AAAAAGGTCC CAGAGATATA TAGACACTGG AGTACTGGAA ATTGAAAAAC GAAATCGTG TGTGTTTGAA  
 TACCGATGGG TATGTCGAAA GACTACTCAA TTTTTCAGG GTCTCTATAT ATCTGTGACC TCATGACCTT TAACTTTTTG CTTTTCAGAC ACACAAACTT  
 327 G Y P Y S F L M S O

bsmI  
 mboII hpyCH4V  
 1101 AAGAGAATG CAACCTGTAT ATTTGTATT ACCTCTTTT TTCAAGTGAT TTAATAGTT AATCATTTAA CCAAAGAGA TGTGTACTGC CTTAAACAAGC  
 TTCTTCTTAC GTTGRACATA TAAACATAA TGGAGAAAAA AAGTTCACATA AATTATCAA TTAGTAAAT GGTTCCTCT ACACATCAGG GAATGTCTCG

mnII  
 ddeI  
 bspCNI  
 hpy188I  
 1201 AATCCCTCTGT CAAAATCTGA GGTATTGAA AATAATTATC CTCTTAACCT TCTCTTCCCA GTGAACCTTA TGAACATTT AATTAGTAC AATTAGTAT  
 TTAGGAGACA GTTTTAGACT CCATAAACTT TTATTAATAG GAGAATTGGA AGAGAAGGT CACTTGAAAT ACCTTGTAAT TTAATTCATA

psiI tsp509I  
 1301 ATTATAAAAA TTGTAAAACT ACTACTTTGT TTAGTTAGA ACAAGCTCA AACTACTTTT AGTTAACTTG GTCATCTGAT TTTATATTGC CTTATCCAAA  
 TAATATTTT AACATTTTGA TGATGAAACA AAATCAATCT TGTTCGAGT TTTGATGAAA TCAATTGAAC CAGTAGACTA AAATATAACG GAATAGGTTT

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scrFI[dcn-]
pspGI
mvaI
ecorIII[dcn-]
dsaV[dcn-]
bstNI
bssKI[dcn-]
apyI[dcn+]
sexAI
hpy188III
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CTACCCCTTT CATTCAAGGAC TGGTCCACAA GGGTGTATAC GGACAATGTC TATTGATGTA ATCCTTAAGT AAGATCGAA GAAGTAGAA CACACCTACA
tsp509I[M.ecoRI-]
xmnI
ecorI
asp700
apoI
alul
mslI
fokI
bstF5I
dclI[M.aluI-]
mboII
tail
hgiAI/aspHI
bsp1286
hpy188I
bsiHKA I rmaI ddeI
mboII
hpy188I maeII/hpyCH4IV
eco57I aflIII maeI bspC
mboII bmyI btrI bfaI mnlI
tsp509I
nlaIII bbsI
hpaI
tsp509I
sfaNI
1501 GTATACCTTA CGCATCTTTC CTTTGTAGTA GAGAAATTAT GTGTGTCATG TGGTCTTCTG AAAATGGAAC ACCATTCTTC AGAGCACACG TCTAGCCCTC
CATATGAAAT GCGTAGAAAG GAAAACTCAT CTCTTTAATA CACACAGTAC ACCAGAAGAC TTTTACCTTG TGGTAAGAAG TCTCCTGTGC AGATCGGGAG

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[illegible]

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scrFI[dcM-]
pspGI
mvaI
ecoRII[dcM-]
dsaV[dcM-]
bstNI
haeIII/palI
mscI/balI[dcM-]
eaeI[dcM-]
cfrI
scrFI[dcM-]
pspGI
mvaI bssKI[dcM-]
ecoRII[dcM-] tsp45I
dsaV[dcM-] maeIII
bstNI hinPI
bssKI[dcM-] tspRI
pleI bsII[dcM-] hhaI/cfoI
mlyI bsaJI apyI[dcM+]
hinFI apyI[dcM+] btsI
dclI bspCNI
1901 AAGAGAAAAA TAGGCTCAGT TAGAAAAAGGA CTCCTGGCC AGGCGCAGTG ACTTAGCCCT GTAATCTCAG CACTTTGGGA GGCCAAGGCA GGCAGATCAC
TTCTCTTTT ATCCGAGTCA ATCTTTTCTT GAGGGACCGG TCCGGCGTCAC TGAATGCGGA CATTAGAGTC GTGAAACCCCT CCGTTCCGT CCGTCTAGTG
dclI bspCNI
styI cac8I
mboI/nd
dpmII[d
dpmI[da
mnlI bsaJI
dclI bspCNI

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mscI/balI[dcM-]
eaeI[dcM-]
scrFI[dcM-]
pspGI
mvaI
ecorII[dcM-]
dsaV[dcM-]
bstNI
bsmAI bssKI[dcM-]
    taqI foki cfrI nlaIII bsmAI
        hpy188III bsaI bstF5I haeIII/palI esp3I
            mnlI hpy188III apyI[dcM+] hphI bsmBI
                2001 GAGGTCAGGA GTTCGAGACC ATCCTGGCCA ACATGGTGAA ACCCGTCTC TACTAAAAAT ATAAAAATTA GCTGGGTGTG GTGGCAGGAG CCTGTATCC
                    CTCCAGTCCT CAAGCTCTGG TAGGACCGGT TGTACCACCT TGGGGCAGAG ATGATTTTTA TATTTTAAAT CGACCCACAC CACCGTCCTC GGACATTAGG
                        nlaIV
                            tsp509I
                                aluI
                                    scrFI[dcM-]
                                        pspGI
                                            mvaI
                                                ecorII[dcM-]
                                                    dsaV[dcM-]
                                                        bstNI
                                                            mvaI
                                                                ecorII[dcM-]
                                                                    dsaV[dcM-]
                                                                        tspRI
                                                                            saI3AI btsI
                                                                                mboI/ndeII[dam-]
                                                                                    dpnII[dam-] hpyCH4V
                                                                                        dpnI[dam+] bsgI bpmI/gsuI[dcM-]
                                                                                            aluI mnlI bssSI
                                                                                                bspCNI mnlI tspRI
                                                                                                    2101 CAGCTACACA GGAGGCTGAG GCAGGAGAAT CACTTGAAT CAGGAGATGG AGGTTTCAGT GAGCCGAGAT CACGCCACTG CACTCCAGCC TGGCAACAGA
                                                                                                        GTCGATGTGT CCTCCGACTC CGTCTCTTTA GTGAACCTGA GTCTCTACC TCCAAAGTCA CTCGGCTCTA GTGCGGTGAC GTGAGGTCGG ACCGTTGTCT

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